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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,797	12/04/2003	Michael W. Ward	PEI 1863	6866
1338	7590	07/26/2005		
KENNETH H. JOHNSON P.O. BOX 630708 HOUSTON, TX 77263			EXAMINER BASTIANELLI, JOHN	
			ART UNIT 3751	PAPER NUMBER

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/727,797

Applicant(s)

WARD, MICHAEL W.

Examiner

John Bastianelli

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/2/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 19 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the abstract is more than 150 words. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

4. Claims 1, 5-6, 10, 14 and 17 and 21 are objected to because of the following informalities: In claims 1, 10, and 14 the claim limitation “the projection not for preventing rotation of said wear insert” is not understood. In claim 5, the first pair of parallel sides ends before the beveled surface. The examiner assumes that the applicant meant between the first pair of parallel sides and the top of the projection. Claim 6 does not make sense as there are no beveled surfaces between the non parallel sides and the first pair of parallel sides. The examiner assumes that the applicant meant between the non parallel sides and the top of the projection. In claims 17 and 21, “said heavy elastomeric” should be “said hard elastomeric”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4-11 and 13-14, 17-18 and 20, as understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Parker et al. US 5,603,481.

Ward discloses a ram packer having a body of hard elastomeric material having attachment means on the rear for attachment to a hydraulic ram and a packer surface opposite the attachment means, a multi sided recess in the packer surface for receiving a replaceable wear insert 60 (Fig. 3) having a sealing surface having a semicircular face and a ram packer mounting surface having

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a multi-sided configuration having a first pair of parallel sides 63 second pair of parallel sides 66 and 68, a pair of non parallel sides 58 extending from said second pair of parallel sides, a first area defined by a plane through said non parallel sides and said first pair of parallel sides and at least one projection 72 for spacing said wear insert away from a seating surface of a ram packer and having a second area, said second area being less than said first area, said projection extending from said first area, said projection not for preventing rotation of said wear insert. The projection has beveled surfaces 70 extending from the first area to the second area along the first pair of parallel sides and is seen as a cove. The second area is seen as less than 50% or 75% of the first area. The bevels are seen as having angles between 10 and 40 degrees. The hard elastomeric material is butyl rubber and the wear insert is polyethylene. The shape of the recess comprises at least two parallel surfaces normal to the packer surface

7. Claims 1-2, 4, 6-11, 13-24, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ward US 5,251,870.

Ward discloses a ram packer having a body of hard elastomeric material having attachment means on the rear for attachment to a hydraulic ram and a packer surface opposite the attachment means, a multi sided recess in the packer surface for receiving a replaceable wear insert 30A (Fig. 10) having a sealing surface having a semicircular face and a ram packer mounting surface having a multi-sided configuration having a first pair of parallel sides (Fig. 10, the plane shown in the picture) second pair of parallel sides 32A, a pair of non parallel sides 32B extending from said second pair of parallel sides, a first area defined by a plane through said non parallel sides and said first pair of parallel sides and at least one projection for spacing said wear insert away from a seating surface of a ram packer and having a second area, said second area being less than

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said first area, said projection extending from said first area, said projection not for preventing rotation of said wear insert. The projection has beveled surfaces and is seen as a cove. The beveled surfaces extend from the non parallel sides to the top of the projection. The second area is seen as less than 50% or 75% of the first area. The bevels are seen as having angles between 10 and 40 degrees. The body has two parallel plates retained in spaced relation by two rods 24 and the hard elastomeric material is molded about the plates and rods (Figs. 7-8) and the attachment means is a pair of lugs 20. The hard elastomeric material is butyl rubber and the wear insert is polyethylene or TEFLON. The shape of the recess comprises at least two parallel surfaces normal to the packer surface.

### *Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al. US 5,603,481.

Parker lacks two projections formed by a slot. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make one projection into two projections (which would inherently have a slot in between), since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. *St.*

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*Regis Paper Co. v. Bemis Co.*, 193 USPQ 8 (CA 7 1977) and this would provide a safety measure if one of the projections were to fail.

10. Claims 3 and 12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward US 5,251,870.

Ward lacks two projections formed by a slot. It would have been obvious matter of design choice to have to make one projection into two projections (which would inherently have a slot in between), since it has been held that a change in the shape of the element involves only routine skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1966) as Ward discloses that additional configurations may be used (col. 3, lines 41-55).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyagishima, Ratigan, Wilson, and Lee Jr. disclose ram packer having wear inserts with projections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-F (9:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

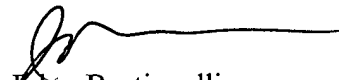
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JB

July 7, 2005



John Bastianelli  
Primary Examiner  
Art Unit 3751